

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.36265 of 2008
RAM SUNDAR SINGH @ RAMSUNDAR RAI, son of
Late Jang Bahadur Singh, Resident of village – Akbarpur Puranidih,
P.S. Samho (Nayagaon), District Begusarai Petitioner
Versus
STATE OF BIHAR Opposite party

04/ 23.10.2008

Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case under Section 302 and other allied Sections of the Indian Penal Code and Section 27 of the Arms Act. He is named in the First Information Report along with 11 others, they are alleged to have dragged the deceased to some distance and thereafter shot him dead and took his dead body on the horse back.

It is submitted on behalf of the petitioner that others named in the First Information Report, namely, Amar Singh, Murari Singh, Ajeet Singh, Mukesh Singh and Rama Kant Singh, the brother of the petitioner have been admitted to the privilege of bail by another Bench of this Court under orders dated 5.7.2006, 18.7.2006 and 7.2.2007, passed in Cr. Misc. Nos. 24916 of 2006, 27976 of 2006 and 222 of 2007 and there is nothing to distinguish the case of the petitioner with those, who have been admitted to the privilege of bail by another Bench of this Court. It is also submitted that petitioner has been implicated in this case, as he is a witness in another Nayagaon P.S. Case No. 13 of 2004 against the members of the prosecution party of the instant case.

In the light of the aforesaid two submissions, prayer is

to release the petitioner on bail in the instant case. I am not inclined to do so as perusal of the aforesaid three orders indicate that petitioners of those applications after being implicated in the present case, approached this Court for grant of bail earlier, whereafter another Bench of this Court rejected their prayer for bail observing that they are at liberty to renew their prayer for bail if the trial is not concluded within the time fixed by the Court. As the trial could not be concluded, accused persons remained absconding, petitioners of the aforesaid Cr. Misc. application(s) renewed their prayer for bail and another Bench of this Court admitted them to the privilege of bail.

So far petitioner is concerned, he was remanded in the present case from another case on 5.5.2007 and prior thereto he remained absconding not only in this case but also in other case(s). In the circumstances, I am not inclined to release the petitioner on bail. This application is, accordingly, rejected, but considering the fact that petitioner is in jail custody for about 18 months, trial court is directed to proceed with his trial after separating the same from that of the others named in the First Information Report who have not yet surrendered.

It goes without saying that the trial court will ensure that the petitioner is allowed opportunity to record his evidence as a witness in Nayagaon P.S. Case No. 13 of 2004.

Arjun/

(V.N. Sinha, J.)